

This application is a continuation-in-part of: U.S. Patent Application No. 09/480,883, entitled, "An Electronic-Receipts Service," filed January 10, 2000, naming Scott T. Allan et al. as inventors, with Attorney Docket No. A-65188-1/MAK/LM, and commonly assigned to RECEIPTCITY.COM, INC., San Jose, California, itself a continuation-in-part of U.S. Patent Application No. 08/957,757, entitled, "Method and System for Automated Electronic Receipt of Transactions," filed October 24, 1997, naming Aziz Valliani, et al. as inventors, with Attorney Docket No. A-65188/MAK/LM, and commonly assigned to RECEIPTCITY.COM, INC., San Jose, California, itself a continuation in part of U.S. Patent No. 08/853,955, entitled, "Modular Signature and Data-Capture System and Point of Transaction Payment and Reward System," filed May 9, 1997, naming Aziz Valliani, et al. as inventors, with Attorney Docket No. A-63562/MAK, and assigned to @POS.COM, INC. of San Jose, California. Benefit U.S. Patent Applications No. 60/137,575, 60/141,380 and 09/480,883 are incorporated by reference herein.

Indeed, applicant's transmittal document, filed with the subject continuation-in-part application recites that the within application is a "continuation-in-part".

Applicant's executed Declaration herein recites in relevant part that "I have reviewed and understand the contents of the above-identified specification including the claims . . .". The Declaration itself indicates that the above-identified specification "was filed on June 5, 2000 as application serial No. 09/588,037".

In short, applicant's Declaration states that applicant had reviewed and understood the contents of the within specification, which specification at page 2 recited that this is a continuation-in-part application. Thus, applicant submits that the Examiner's objection that the Declaration on file for supposedly failing to recite that applicant knew and understood that the within application was a continuation-in-part application is in error. The Declaration is not defective, and indeed complies with 37 CFR 1.67(a). The objection to the Declaration on file must be withdrawn.

#### DEATON USP 6,642,485 AND KEPECS USP 6,009,411 DISTINGUISHED

Deaton '485 discloses a point-of-sale (POS) system, apparently for use by multiple customers, all within a single merchant store. Kepecs '411 is cited as disclosing a system enabling transaction customer data captured at a first merchant store to be used by a second merchant store when dealing with the very same customer. But it appears from Kepecs that the second merchant store will always be affiliated or associated with

the first merchant store. At col. 3, lines 2-27, Kepecs points out that stores, and “especially chains of retail stores” offer “loyalty cards which reward shoppers for frequenting the store(s) covered by the loyalty card”. At the bottom of page 2 in the pending Office Action, the Examiner references col. 10, lines 5-19 “Customer\_No” as a disclosure by Kepecs of “identifying the consumer in a transaction at the second merchant”.

But as noted above, the second merchant in Kepecs will be associated or affiliated with the first merchant, perhaps simply another branch in a chain of retail stores. Such associated or affiliated stores indeed share a common “loyalty card” among consumers, but store-issued such cards are not typically useable in a competitor’s store.

Thus amended claim 1, which now explicitly recites that the second merchant is “not required to be associated with said first merchant” is quite different than any combination of what is disclosed or suggested in Deaton ‘485 and/or Kepecs ‘411. Any such combination, assuming it were even feasible, might at best enable a chain of affiliated or associated stores to share common customer transaction information. Such combination would not, however, provide the flexibility found in the presently claimed invention.

A marked-up version of the text showing additions and deletions is appended hereto with the caption “Version With Markings to Show Changes Made.” Appearing thereafter is an “Appendix of Claims Pending After Current Amendment,” so captioned.

#### CONCLUSION

Amended claims 1-8 are patentable over the art of record and should be passed to allowance. Applicant’s Declaration on file herein refers to the Specification, in which the continuation-in-part nature of the within application is recited.

The Commissioner is authorized to charge any additional fees that may be required, including extension fees, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 468820-00020 [A-68146/MAK]).

Respectfully submitted,

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## **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (amended) A method for storing and retrieving consumer-transaction information, the method comprising the following steps:

(a) during a first transaction by a consumer at a first merchant, capturing transaction information regarding said transaction [a consumer at a first merchant];

(b) storing [the] captured said transaction [selection] information on a server; and

(c) applying [that] captured said transaction information to a second transaction involving said [the] consumer at a second merchant not required to be associated with said first merchant.

2. (amended) The method of claim 1, further including, prior to step (c) a step of [wherein before the step [of applying, the following step is performed:] identifying [the] said consumer in a transaction at [the] said second merchant.

3. (amended) The method of claim 1, further including prior to step (c) a step of [wherein before the step of applying, the following step is performed:] communicatively coupling said first merchant, said second merchant, and said server via [the first and second merchants and the server by means of] an internet.

4. (amended) The method of claim 1, wherein [the step of capturing comprises] step (a) includes capturing consumer information at [the] said first merchant.

5. (amended) The method of claim 1, wherein step (a) includes [the step of capturing comprises] capturing consumer loyalty information at [the] said first merchant.

6. (amended) The method of claim 1, wherein step (b) includes [the step of storing comprises] storing [the] captured said transaction [selection] information on a server external to [the] said first merchant.

7. (amended) The method of claim 1, wherein step (b) includes [the step of storing comprises] forwarding [the] captured said transaction [selection] information to [the] said server.

8. (amended) The method of claim 1, wherein step (c) includes [the step of applying comprises] applying [that] captured said transaction information to a transaction involving [the] said consumer at a second merchant and initiated by a browser on a personal computer connected to the internet.

## **APPENDIX OF CLAIMS PENDING AFTER CURRENT AMENDMENT**

1. (amended) A method for storing and retrieving consumer-transaction information, the method comprising the following steps:

(a) during a first transaction by a consumer at a first merchant, capturing transaction information regarding said transaction;

(b) storing captured said transaction information on a server; and

(c) applying captured said transaction information to a second transaction involving said consumer at a second merchant not required to be associated with said first merchant.

2. (amended) The method of claim 1, further including, prior to step (c) a step of identifying said consumer in a transaction at said second merchant.

3. (amended) The method of claim 1, further including prior to step (c) a step of communicatively coupling said first merchant, said second merchant, and said server via an internet.

4. (amended) The method of claim 1, wherein step (a) includes capturing consumer information at said first merchant.

5. (amended) The method of claim 1, wherein step (a) includes capturing consumer loyalty information at said first merchant.

6. (amended) The method of claim 1, wherein step (b) includes storing captured said transaction information on a server external to said first merchant.

7. (amended) The method of claim 1, wherein step (b) includes forwarding captured said transaction information to said server.

8. (amended) The method of claim 1, wherein step (c) includes applying captured said transaction information to a transaction involving said consumer at a second merchant and initiated by a browser on a personal computer connected to the internet.